

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**FENNER INVESTMENT, LTD.**

**Plaintiff**

**vs.**

**MICROSOFT CORPORATION, NINTENDO  
COMPANY, LTD., and NINTENDO OF  
AMERICA, INC.,**

**Defendants**

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**CASE NO. 6:07 CV 8  
PATENT CASE**

**ORDER**

Before the Court are Nintendo Co., Ltd. and Nintendo of America Inc.'s (collectively "Nintendo") Motion to Strike Infringement Contentions for Failure to Comply with Patent Rule 3-1 (Docket No. 81), Fenner Investment, Ltd.'s ("Fenner") Motion to Compel Discovery from the Nintendo Defendants (Docket No. 101), and Nintendo's Motion for Order Halting Harassment of Inventors and Obstruction of Access to Evidence (Docket No. 102). After considering the parties' written submissions and oral arguments, the Court now memorializes its rulings from the bench.

As stated at the hearing, the Court **DENIES** Nintendo's Motion to Strike Infringement Contentions. As the case progresses, if Nintendo is still confused by Fenner's infringement contentions, Nintendo may request Fenner to clarify its contentions.

As stated at the hearing, the Court **GRANTS** Fenner's Motion to Compel and **ORDERS**

- Nintendo to answer the interrogatories at issue fully, in writing and under oath;
- within ten days of this Order, Nintendo either to produce the requested documents listed in Exhibit L of Fenner's Motion to Compel or, if applicable, to answer that the requested documents cannot be located within ten days of this Order;

- Nintendo and Fenner to split the costs of translating necessary documents; and
- Nintendo to produce the requested information and/or documents within the possession or control of third party suppliers or, if unable to attain the requested documents, to state who is in possession and/or control of the requested documents.

As stated at the hearing, the Court **DENIES** Nintendo's Motion to Halt Harassment. The Court reminds all parties that it will not tolerate the wasting of its resources. In the future, all parties should make good faith attempts to resolve disputes before invoking the Court's time and energy.

**So ORDERED and SIGNED this 9th day of January, 2008.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS  
UNITED STATES DISTRICT JUDGE**